

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
MAY 17, 2023**

***ACTION MINUTES** – These minutes are prepared to depict action taken for agenda items presented to the City Council. For detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.*

**CALL TO ORDER:** Mayor Llanez called the City Council Meeting to order at the hour of 6:01 p.m.

**PLEDGE OF ALLEGIANCE:** Police Commander Reyna led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Doug Begonia, Brett Jones, Kenneth Lambert, Deborah Lewis, Mayor Paul Llanez; **ABSENT:** None.

**STAFF MEMBERS PRESENT:** City Manager Pinheiro, City Attorney Vaughn, Police Commander Reyna, City Clerk/Human Resources Director Mallonee, Fire Chief Tualla, Community & Economic Development Director Souza Elms, Public Works Director/City Engineer Than, Interim Finance Director Kuhn

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Jones, seconded by Lambert to approve the agenda as submitted. The motion carried by the affirmative action of all Council Members present.

**PRESENTATIONS: CERTIFICATE OF RECOGNITION – EMPLOYEE OF THE MONTH FOR APRIL 2023 – ROSEMARIE SOUTO, ACCOUNTANT II; PROCLAMATION – RECOGNIZING NATIONAL DAY OF PRAYER; PROCLAMATION – RECOGNIZING NATIONAL PUBLIC WORKS WEEK; PROCLAMATION – RECOGNIZING NATIONAL POLICE WEEK AND PEACE OFFICERS’ MEMORIAL DAY.** Mayor Llanez presented and read the certificates and proclamations, for which Rosemarie Souto, Stephen Hammond, City employees from the Public Works and Police Department were in attendance to accept.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.** Mayor Llanez opened the public forum and asked those at the meeting if they would like to speak: KATHERINE UHLEY, resident of Los Banos, spoke regarding the funds allocated for the animal shelter and feels strongly that it should be a no kill shelter, the neuter and spay service, animal overpopulation, showed documentation of all the spay and neutering she has personally done out of town, encouraged the City to create an Animal Advisory Committee and hopes

to see it on a very near Council agenda; CAMI AVILAR, Los Banos resident, spoke to how she bought her house 20 years ago and how her house is backed up to the rail trail and the last 5 have been nothing but people breaking in to their homes and cars, how the rail trail is nothing but homeless people and handed out photos of what she has to look at, she gets no sleep and now there are fires, there are Police vehicles and Fire trucks driving up and down the rail trail, all you did was move the problem from behind Home Depot to us, there are a lot of areas in Los Banos that they can be moved to, it's easy to ignore the problem and something needs to be done about this, in Shaunessy Village neighborhood there is a road that was unsafe and not built properly and is now closed, there is no sidewalk, no landscaping, it's a dirt ditch with no park and she is not happy with the situation, and how Mr. Begonia has not returned her messages; UNANAMED PERSON, stated that she has emailed Council Members multiple times regarding concerns she has, she knows homeless people have to sleep somewhere and has an issue because it will become worse and worse, if the Police could send a patrol on a consistent basis to the area, inquired as to if there is an ID system set up so that when they come to town they can get help, how we need to get the homeless people who are causing problems to help clean up the messes; RUSS RAMIREZ, Los Banos, has been a resident for 22 years, the rail trail was a blessing and now it has come much more than that, it has become a super highway, talking to what he has experienced, how he has called the Police Department with issues with homeless people, knows that we can't kick them off of land unless we have places for them to go, how they light the trees on fire, we have to figure this out, got to keep cars from going back there, got to fix the situation and not ignore it; IVONEE, spoke regarding how her fence has been put on fire, has called the Police and Fire Departments to come out, trees are burned and black, her dog has been poisoned, how their homes and buildings have been broken into, she has pictures of them dealing drugs behind their house, vandalizing properties, how this is problematic, some homeless want help and some don't, something has to be done and she is tired of having to deal with it, they have no respect; CHRIS SANTOS, Congressman John Duarte representative, spoke regarding mobile district office hours at City Hall and thanked the City Manager for putting that together, how they will continue to advocate for funding and keeping the City of Los Banos updated; TAYLOR WOLFSEN, property owner in Downtown Los Banos and representative of the PBID, introduced Maribel Garcia who is representing the Los Banos Downtown Association who then spoke to the recent events being put on by the Downtown Association, how the firework booth has been moved to a new location, the upcoming July 27, 2023 mixer, and the Farm to Table event; KATHY BURNELL, Los Banos resident of 1 ½ years, spoke to the stray dogs and cats in town and proposed that owners be required to chip their pets so that they can be accountable and neutered and spayed for sure, you could also fine the owners for stray animals; UNNAMED PERSON stated that she has lived here for 23 years and has seen the city grow, her house is by the rail trail and she is concerned because she is retired and 85 years old and how the homeless are now where trees are planted, thanked Los Banos for continuing the rail trail to the other side, she used to walk but now she does not because of the homeless, at night time the Police and Code Enforcement go down the rail trail and thanked them for doing that and she has come to love Los Banos and thanks them for the trees that they have put in and hopes the other side can have the same trees, they are beautiful; ADAM AVELAR, Los Banos 23 years, stated that the rail trail was a good idea and weird that the area by them got skipped, concerns with homeless problem, especially because he has kids, trash day the homeless go right to the trash cans and he

has been fined for the mess they leave, it's a serious problem and has to be fixed; BLANCHE JORGE, Downtown resident and Elk member, spoke regarding how on May 5, 2023 the Elks completed a project to take care of the veterans at the Standdown, spoke to agenda item 8 – Project Homekey that references point in time count of homeless people of Los Banos and spoke regarding the Shangri La company who will be developing the facility and she requests that if part of that project can include animals, fully supports and endorse the project, she is excited for the unsheltered to be sheltered; KATHY BALLARD, would like to speak on item 11 after the report is given for which the Mayor indicated if she had anything to ask regarding that item that now was the time to ask, concerns with a million dollar item being on the consent agenda and is something the public should know about, how she has 2 questions and has sent emails with no response – she'd like an update on Scripps and De Anza, and she is on the Oversight Committee for Measure H that passed in 2019 and there has only been 2 meetings, she has asked what has been spent and was given a check register and she is wanting additional information in that regard; UNANAMED PERSON, spoke regarding how Los Banos has problems and needs to be addressed separately, she feels that the overpopulation of animals needs to be addressed, how animals are wandering around this town every day and how they hope for someone to take them home and take care of them, there are too many animals for the animal lovers to take care of, spay and neuter or 1 equals 1000, she feels it should be free to very low cost to spay or neuter animals, trap neuter and release is a good way to deal with them and how the unwanted animals go down so quickly, consider and approve an Citizens Advisory Committee to make sure the funds are spent appropriately; KRISTINE MCDONALD, Los Banos resident and animal lover, spoke regarding the critical issue of growing population of cats, potential risks associated with cats, disease concerns, rabies, instituting a spay and neuter program would help the issue, the need for a dedicated shelter veterinarian would be greatly beneficial, TNR is a possible solution; ALYSSA HOGAN, Los Banos resident, spoke regarding her concerns with the animal issues and how she's feeding 10-12 cats, how cruel and inhuman it is for all the cats to be born, had Feral Freedom help with TNR, how we desperately need to do something, we need a Medical Advisory Board with people who are experts with rescue in this situation and we also need a vet to treat the emergency situations with these city animals, would like to see fee or low cost spay and neuter services; JENNIFER CABRERA, Los Banos resident, spoke regarding her concerns with the animal re-population issue, how she got her dog neutered at the animal shelter, but had to go out of town to get her brothers dog neutered, rescued cats and tried to take them to the shelter and but it was full, she feels it is the City's responsibility to take care of these animals, would like to see the City have a spay and neuter program; UNNAMED PERSON spoke regarding his appreciation for The Westside Express, how it has been a much needed avenue that represents Los Banos, hats off to those who have brought it back and is happy to see that we have a paper again so that we can see what is happening in Los Banos; UNNAMED PERSON representing Los Banos Chamber of Commerce, spoke to how nice it was the crosswalks were painted right before school started, roads are being striped which is good too, he owns 2 businesses in town, buildings are ready to get painted downtown, good turnout at Mother's Day in the Park, how his businesses are doing pretty good as he won an incentive trip, participated in the May Day event, the upcoming Dads Day event with a car show and street festival, he would like to get with the City folks to go over to see the good work that has been done on the Chambers website. Mayor Llanez asked the City Clerk if she had received any comments to be read

into the record, for which she stated there were none. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Lambert, seconded by Jones to approve the consent agenda as follows: Check Register for #238362 - #238843 in the Amount of \$4,525,875.47; Minutes for the April 19, 2023 City Council Meeting; Third Quarter Investment Report for 2022/2023; City Council Resolution No. 6629 – Authorizing the City Manager to Execute the Amendment No. 3 to the Professional Services Agreement with Mark Thomas & Company, Inc. for Engineering Services for the Pioneer Road Widening Project in the Amount of \$225,718.00; City Council Resolution No. 6630 – Authorizing the City Manager to Execute a Professional Service Agreement with Mark Thomas & Company, Inc. to Update the Improvement Standards & Specifications and Community Design Standards in the Amount of \$580,658.00; City Council Resolution No. 6631 – Authorizing Award of Contract Agreement for the Exterior Painting of Four (4) City-Owned Buildings to Pro Group Painting in the Amount of \$143,767.00; City Council Resolution No. 6632 – Accepting Public Improvements for Southpointe at Regency Park, Overland Avenue (Developer: Stonefield Home, Inc.); City Council Resolution No. 6633 – Authorizing the City Manager to Execute a Contract with AD ART, Inc. for the Replacement of the Digital Signs at the Los Banos Community Center in the Amount of \$34,909.00; City Council Resolution No. 6634 – Authorizing the City Manager to Execute a Professional Services Agreement between the City of Los Banos and Carollo Engineers, Inc. to Update the Storm Drain Systems Master Plan; City Council Resolution No. 6635 – Approving the Restated Joint Power Agreement of the Merced County Association of Governments Effective July 19, 2023 for a Term of Thirty (30) Years; City Council Resolution No. 6636 – Appointing Stephanie Austin to the Measure P Citizens Oversight Committee with a Term Ending December 31, 2023. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6637 – AUTHORIZING A JOINT APPLICATION AND PARTICIPATION IN THE HOMEKEY PROGRAM.** Community & Economic Development Director Souza Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the number of anticipated beds being 57 units, Federal case law referred to as the Boese Act that states that you cannot remove homeless unless you have a place to house them, hopes there will be programs to help the homeless, and how do we get to 113 beds so that we can take care of the problem.

Motion by Lambert, second by Begonia to adopt City Council Resolution No. 6637 – Authorizing the Joint Application and Participation in the Homekey Program. The motion carried by the affirmative action of all Council Members present.

**ACCEPTANCE OF GRANT DEEDS FROM THE LOS BANOS DESIGNATED LOCAL AUTHORITY (DLA), AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS REDEVELOPMENT AGENCY (RDA) TO THE CITY OF LOS BANOS; CITY COUNCIL RESOLUTION NO. 6638 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS**

**DLA, AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS RDA TO THE CITY OF LOS BANOS, A 2.02 ACRE PARCEL LOCATED AT 201-799 H STREET BETWEEN 2<sup>ND</sup> STREET AND 4<sup>TH</sup> STREET, CURRENTLY ZONED RAIL CORRIDOR (RC), APN 025-054-006, UNDEVELOPED; CITY COUNCIL RESOLUTION NO. 6639 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS DLA, AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS RDA TO THE CITY OF LOS BANOS, A 1.222 ACRE PARCEL LOCATED AT 715 2<sup>ND</sup> STREET, CURRENTLY ZONED RAIL CORRIDOR (RC), APN 025-053-002 AND 081-110-048; DEVELOPED WITH A RAILROAD CONCRETE LOAD DOC AND ASPHALT PARKING LOT.** City Attorney Vaughn presented the staff report.

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6638 – Accepting the Grant Deed from the Los Banos DLA, as Successor Agency to the Former Los Banos RDA to the City of Los Banos, a 2.02 Acre Parcel Located at 201-799 H Street between 2<sup>nd</sup> Street and 4<sup>th</sup> Street, Currently Zoned Rail Corridor (RC), APN 025-054-006, Undeveloped. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6639 – Accepting the Grant Deed from the Los Banos DLA, as Successor Agency to the Former Los Banos RDA to the City of Los Banos, a 1.222 Acre Parcel Located at 715 2<sup>nd</sup> Street, Currently Zoned Rail Corridor (RC), APN 025-053-002 and 081-110-048; Developed with a Railroad Concrete Load Doc and Asphalt Parking Lot. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6640 – AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH RONNYS INC. TO PROVIDE LANDSCAPE MAINTENANCE SERVICES FOR THE CITY OF LOS BANOS.** Public Works Director/City Engineer Than introduced Parks & Recreation Operations Manager Heim who presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the number 1 complaint being about the grass mowing and the mulch that is left behind and the inspection process.

Motion by Begonia, seconded by Jones to adopt City Council Resolution No. 6640 – Authorizing the City Manager to Execute a Contract with Ronnys Inc. to Provide Landscape Maintenance Services for the City of Los Banos. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6641 – APPROVING THE DESIGN INFORMATION BULLETIN 23-01 – INTERIM STANDARDS FOR TYPICAL STREET SECTION ST-1 AND SIDEWALK CURB AND GUTTER SECTION ST-6.** Public Works Director/City Engineer Than presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding when the developers bring plans to these meetings we have the right to make changes, but with this standard they

will have to follow this which will help, the class bike lane standards would have been good to visualize it and what it would look like with a picture included, public landscaping with the sidewalk and will it be futuristic to do away with that as owners do not feel that they should maintain it and the city should, flat driveways with no dips, concerns where the streets in town are too narrow.

Motion by Begonia, seconded by Lambert to adopt City Council Resolution No. 6641 – Approving the City Manager to Execute a Contract with Ronnys Inc. to Provide Landscape Maintenance Services for the City of Los Banos. The motion carried by the affirmative action of all Council Members present.

**ADVISEMENT OF PUBLIC NOTICES. (Four Reports).** Community & Economic Development Director Souza Elms stated that there will be a public hearing at the May 24, 2023 Planning Commission Meeting to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Mobile Food Vendor Permit #2023-05 to allow the operation of a mobile food vending vehicle on route throughout the City of Los Banos within the public-right-of way for Areli Jimenez Velasco dba Ary's Ice Cream; to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Mobile Food Vendor Permit #2023-07 to allow the operation of a mobile food vending vehicle on route throughout the City of Los Banos within the public-right-of way for Ana Karen Ordonez dba Mariscos El Aguachilense; to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) for Site Plan Review #2022-07 and Conditional Use Permit #2022-05 for the development of a boat and rv storage facility within the Highway Commercial Zoning District. The proposed project consists of a 1,600 square foot office and 225,000 square feet of storage area with canopies to be located at 1725 W. Pacheco Blvd.; more specifically identified as Assessor's Parcel Numbers: 430-010-004; to consider a Conditional Use Permit and Categorical Exemption from the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) to allow the use of a Type 21 Alcohol License for the off-sale of general alcohol. The requested Conditional Use Permit is for Beverage House located at 547 W. I St., more specifically identified as Assessor's Parcel Number 027-033-008.

**CITY MANAGER REPORT.** City Manager Pinheiro stated that he and Mayor Llanez went on the OneVoice trip to Washington, D.C. through MCAG and thanked the Mayor for going this year and spoke to all the fruitful and beneficial conversations he had with government officials.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), MEASURE V COMMITTEE, AND SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD), AND LOS BANOS DOWNTOWN PROPERTY & BUSINESS IMPROVEMENT DISTRICT (LBDBPID).** Council Member Lewis representing SJVAPCD spoke regarding that there is still grant money available to transfer from your wood burning to electric or gas, upcoming free smog repair event in Merced for those have trouble passing smog registration; she then spoke about this agenda tonight was the first time we didn't allow public participation and would hope to allow that in the future, how the Fiscal Year budget is coming up for approval for 2023/24 and usually we have a workshop so that Council

can ask questions and provide input and inquired as to if that was going to happen, we had a really rough winter this year and our streets are in disrepair and would like to see if we could have our Public Works Department give us a report on when they plan to work on our streets, in 2015/16 when she was working on the new animal control laws what was really important to her was education to our community and would like the new Animal Advisory Committee to consider doing that and also mailers in utility bills, applauded the community who came out and spoke their concerns tonight; Mayor Llanez spoke regarding MCAG, tipping fees and how Los Banos pays the highest amounts amongst the City's in the county, and his OneVoice trip and how he met and spoke with many government agency and officials letting them know about Los Banos's needs.

### **CITY COUNCIL MEMBER REPORTS**

**DOUGLAS BEGONIA, JR.:** Stated that he had the opportunity to go to Mother's Day in the Park event and congratulated the Los BANos Chamber of Commerce on a successful event, thanked all those who donated their time and had businesses there.

**BRETT JONES:** No report

**DEBORAH LEWIS:** Gave report earlier

**KENNETH LAMBERT:** Thanked all for coming tonight, the only way to start is at the root of the problem is educate the public and get responsible pet owners and hopes that we work all together to get this situation under control.

**PAUL LLANEZ:** Stated he had a busy week with Little League festivities and threw out the last pitch, today had the opportunity to be at Career Day at Lorena Falasco Elementary, this afternoon he attended the Grasslands Elementary ribbon cutting, how with the animal shelter we have started behind the curve and agrees that education can help and there needs to be consequences, noting the national shortage of veterinarians.

**ADJOURNMENT.** Motion by Lambert, seconded by Jones, the meeting was adjourned at 8:32 p.m. The motion carried by the affirmative action of all Council Members present.

APPROVED:

/s/ Paul Llanez  
Paul Llanez, Mayor

ATTEST:

/s/ Lucille L. Mallonee  
Lucille L. Mallonee, City Clerk